

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BOARD OF MANAGERS OF THE LANDING AT
DOBBS FERRY CONDOMINIUM AS SUCCESSOR IN
INTEREST TO THE LANDING AT DOBBS FERRY
HOMEOWNERS ASSOCIATION, and on behalf of all
unit owners, both collectively and individually,

Docket No.: 21-cv-4916

Plaintiff,

**NOTICE OF
REMOVAL**

-against-

THE VILLAGE OF DOBBS FERRY,

Defendant.

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PLEASE TAKE NOTICE that Defendant, **THE VILLAGE OF DOBBS FERRY**, by and through its attorneys, SILVERMAN AND ASSOCIATES, hereby removes this action to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. §§1441 and 1331.

1. This action was commenced against Defendant Village of Dobbs Ferry (“the Village”) in the Supreme Court of the State of New York, County of Westchester, by the filing of a Summons with Notice with the Clerk of the Court on or about March 22, 2021. See Exhibit “A” attached hereto.

2. On or about March 31, 2021, the Village, by and through its attorneys, served and filed a Notice of Appearance and Demand for a Complaint. See Exhibit “B” attached hereto.

3. The parties subsequently agreed to an extension of the Plaintiff’s time to serve the Complaint until May 19, 2021. See Exhibit “C” attached hereto.

4. On or about May 18, 2021, the Plaintiff electronically filed a Supplemental Summons and Complaint with the Supreme Court of the State of New York, Westchester County. See Exhibit “D” annexed hereto.

5. The Complaint seeks damages for alleged due process violations under the Fifth and Fourteenth Amendments to the United States Constitution. See Exhibit “D”, ¶¶ 113-118.

6. The Plaintiff’s claims, therefore, raise a federal question.

7. In addition to the above, this cause of action is one over which this Court has original jurisdiction pursuant to 28 U.S.C. §1331, in that the Plaintiff is alleging claims arising under a federal statute, act, or law. By virtue of 28 U.S.C. §1441(a), this cause of action is removable to this Court.

8. In accordance with 28 U.S.C. §1446(b)(3), this Notice of Removal is filed within 30 days after receipt by the Defendant of a copy of the pleading from which the Defendant could reasonably ascertain its removability.

9. Based upon the facts set forth above, this Notice of Removal is timely under 28 U.S.C. §1446(b).

10. Pursuant to 28 U.S.C. §1446(a), a copies of the Summons with Notice, Notice of Appearance and Demand for a Complaint, Stipulation Extending the Plaintiff’s Time, and Supplemental Summons and Complaint are annexed hereto as Exhibits “A” “D”. This constitutes all process, pleadings or orders served or filed by the parties in the Supreme Court of the State of New York, and is made a part of this Notice by reference.

11. Defendants will pay all costs (disbursements) by reason of this removal proceeding should it be determined that this case is not removable or is improperly removed.

12. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, and without waiver of any substantial or procedural defenses, the Defendant, Village of Dobbs Ferry, respectfully requests that this Court assume jurisdiction over this action and make such further orders herein as may be required to properly determine its controversy.

Dated: White Plains, New York
June 3, 2021

Respectfully submitted,

SILVERMAN & ASSOCIATES

By: 

Caroline B. Lineen
Attorney for Defendant
445 Hamilton Avenue, Suite 1102
White Plains, New York 10601
(914) 574-4510

To: Via Electronic Mail and First Class Mail
Braverman Greenspun, P.C.
Attorneys for Plaintiff
Attn: John Kolbrener, Esq.